

## FIGHT INCREASE IN RAILWAY RATE

Attorney Tells How Virginia Beach Promoter Bought Himself Out.

## ELECTRIC LINE LOST MONEY

General Sale and Colonel Stern Take Stand in Opposition to Advance.

Charges that the Norfolk-Southern Railway is attempting to make suburban an transient patrons pay the interest on useless investments on its electric division, were made before the State Corporation Commission yesterday by Colonel Walter H. Taylor, of Norfolk. It was stated that in computing the cost of operation of the electric line, account was taken of interest on the bonds of the Cape Henry division, which was once a competing road, and is useless in reaching Virginia Beach, since the south route answers the same purpose.

The commission heard the evidence and argument on the application of the Norfolk-Southern to be permitted to increase its rate from 25 to 40 cents per passenger between Norfolk and Virginia Beach. The case was submitted.

"I built the Cape Henry line," said Colonel Taylor, in competition with the road already operated to Virginia Beach. Finding at last that he could not succeed in his scheme of piracy and falling to force the other road to buy him out, he secured a controlling interest in the Norfolk-Southern and bought himself out."

Colonel William B. Rodman appeared as counsel for the Norfolk-Southern Railway, while Colonel Taylor, of Norfolk; former Judge A. J. Ackiss, of Princess Anne, and George A. Frick, of Baltimore, head of the Virginia Beach Development Corporation, appeared as attorneys for the protesting citizens of Virginia Beach and of Norfolk.

The railroad company's witnesses were F. L. Nicholson, chief engineer, and C. P. Dugan, superintendent of construction for the Norfolk-Southern, with R. F. Baldwin, a real estate agent of Norfolk. The officials produced evidence to show that the electric division of the road was losing money, having never succeeded in even paying interest on its bonds, the stockholders realizing nothing. The real estate man gave an estimate of the value of property owned by the railroad at the beach.

For the contestants, the stand was taken by Judge Ackiss and Mr. Frick, who said that the Norfolk-Southern, of the town of Virginia Beach; George H. Parker, of Oceana; Adjutant-General W. F. Sale and Inspector-General J. Lane Stern, of Norfolk, all testified as to the growing transportation business on the road, and the citizens told of buying property at the beach and at intervening points based on the rate of 25 cents for the round trip.

The State's Position. General Sale said that the present rate was a consideration in establishing the State rate, and the cost of hauling soldiers being a considerable item. Colonel Stern said the same thing.

Producing a copy of The Times-Dispatch of yesterday, Colonel Rodman cross-examined General Sale, demanding if he was responsible for an article appearing therein concerning the high rate it was proposed to charge for hauling the militia to the camp in July. The Adjutant-General replied, that while he did not inspire it, it was based on information furnished by him to a reporter for the paper, who had made inquiry of him concerning the facts. He was then asked about a statement in the article concerning the trouble the State had with the railroad, and he expressed a willingness to go into that matter if desired, but the subject was pursued no further.

Chairman Prentiss, of the Corporation Commission, inquired of Colonel Rodman if, in the new rates, any concession had been proposed for permanent residents of Virginia Beach and of other suburban points on the line, to which he replied that that matter had not been considered.

## PETITION FILED BY TRACY, INC.

Fourth Street Decorators Owe \$9,294, and Have Assets of \$5,618.

Forty-three Richmond and twenty-seven out-of-town creditors are named in schedules in voluntary bankruptcy filed yesterday by Tracy, Inc., interior decorators, of 210 North Fourth Street. The petition lists liabilities in the amount of \$9,294.44, with assets amounting to \$5,618.15, and is signed by Barton H. Grundy, president, and R. Lawrence Moore, secretary. According to its latest report, the other officers of the corporation are Sigmund Hutzler, vice-president, and James H. Tracy, general manager.

Of the forty-three local creditors the following hold claims in excess of \$100: Sanders Bros. & Co., \$522.45; Bell Book & Stationery Co., \$236.43; Elba Hardware Company, \$146.50; D. & E. Mitterdorfer, \$104.41; Joseph Heye, \$121.26; J. D. Carneal & Son, \$122.74; T. J. Leahy, \$600; Sig. Hutzler, \$552.60; T. Sanders, Jr., \$705.56; and B. H. Grundy, \$500.

New York Creditors. The schedules list among out-of-town creditors holding claims in excess of \$100, the following from New York: P. Beck & Co., \$290.91; Gould-Messeraud Company, \$208.82; F. Schumaker & Co., \$507.27; Elms & Sells, \$130.33; Granston & Sachs, \$127.35; H. L. Judd & Co., \$224.97; Ward Manufacturing Company, \$155.50; Joseph Wild & Co., \$332.76; the Emden Company, \$154.43; and Pratt & Lambert, \$202.50. E. L. Monrore & Co., Chicago, claim \$137.85, and Janeway & Carpenter, Philadelphia, claim \$108.96.

Notes for which, according to the petition, other persons are jointly liable with the petitioner, are held by Barton H. Grundy for \$500 and \$500; Company D, Richmond Light Infantry Blues, \$299.17, and A. C. Houston, \$150 and \$102. The schedules list also the following notes: M. H. Berger & Sons, \$124.48; Thomas & Co., \$178.15, and Broad Street Bank, \$1,500.

Mulcaha Files Petition. A petition in voluntary bankruptcy was filed also by John L. Mulcaha, steward at the Richmond Hotel. The liabilities are stated to be \$4,536.78, with assets of only \$25. The schedules name fifty-four creditors in Richmond and other cities.

Creditors holding claims in excess of \$100 are Ferdinand Westheimer & Sons, Cincinnati, \$130; R. T. Dawson & Co., Baltimore, \$150.17; Cohen, Belt & Co., Baltimore, \$143.06; William Blum, J. & Sons, New York, \$209; Bluthenthal & Bickers, Atlanta, \$216.22; Rothschilds Bros., Philadelphia, \$160; Angelo Myers, Philadelphia, notes \$11,075.81; W. O. Newsum, Petersburg, \$115.01; Stephen Deshazan, Petersburg, balance on notes, \$400; Law & Huff, Inc., Richmond, \$110; Dr. Charles R. Robins, Richmond, \$100; and R. J. Lennahan, Richmond, \$150.

## NO AGREEMENT IN CHRISTIAN CASE

Jury, After Deliberating for Two Hours, Reports It Cannot Reach Verdict.

[Special to The Times-Dispatch.] Mathews, Va., May 20.—After two hours' deliberation to-night, the jury in the case of J. P. Christian, member of the Legislature from Mathews, and Mathews Counties, accused of feloniously assaulting P. O. Rainer, reported to Judge Clagett Jones it was unable to agree upon a verdict. The jury was discharged and it will be necessary for Christian to stand a second trial. Through his counsel, J. N. Stubbs, of Gloucester County, and T. J. Christian, of Newport News, brother of the defendant, Christian entered a plea of not guilty. The case has been on trial since yesterday. There were few witnesses to Christian's alleged attack upon Rainer, whom he is said to have shot at the store of W. H. Y. Hudgins, in this county, the first part of last December. The prosecution was conducted by Commonwealth's Attorney R. L. McReady and W. D. Evans, of Middlesex.

## KNEW SIMMONDS WAS TO WED AGAIN

Justice Dismisses Suit Against Wife No. 2 by Wife No. 1 for Alienating Affections.

[Special to The Times-Dispatch.] New York, May 20.—Supreme Court Justice Giegerich to-day dismissed the suit brought by Mrs. Marion Elizabeth Simmonds, divorced wife of Philip R. Simmonds, against Mrs. Emily Caldwell Simmonds, present wife of Simmonds, for the alienation of Simmonds's affections.

In handing down the decision, Justice Giegerich stated that the first Mrs. Simmonds, the plaintiff, had ample knowledge that her husband, both before and after she divorced him, was to marry Mrs. Caldwell, and not only that, but she "wished him well in his new venture on the success of matrimony."

The first Mrs. Simmonds divorced her husband in Virginia in 1902, but later decided that the courts of that State did not have jurisdiction in the case, and has been fighting to prove this ever since. Some four years after Simmonds married Mrs. Caldwell, the widow of Dr. Caldwell, Mrs. Simmonds brought suit for divorce against her husband, and named his second wife as co-defendant. This suit was thrown out of court.

When Mrs. Simmonds, the plaintiff, was asked on the witness stand if Simmonds had ever asked Miss Stevenson, the sister of the first Mrs. Simmonds, to marry him, the witness replied:

"Oh, yes, indeed. I knew that. But that was nothing unusual, for he asked nearly every woman he met to marry him. After I divorced him he came to me one day and told me that he was trying to decide as to whom he should marry of the many women who were crazy about him."

"Did he say that Mrs. Caldwell was crazy about him?" the lawyer for the defense asked.

"Well he intimated as much, for he mentioned her name among the other women whom he was to choose from. I wished him well in his new venture and told him not to let a third person come into their lives."

## SUFFERS NO PAIN AND IS CONSCIOUS

(Continued From First Page.)

and will continue to grow in the human body.

Another local physician predicted Walker's recovery, although he might be paralyzed for life. This doctor said he had several cases just like the Maccon one, and in only one of them did the patient die.

Other high medical authorities here, in discussing the case, expressed their belief that Mr. Walker could not possibly recover.

## PLANS TO SEARCH FOR "LOST TRIBE"

(Continued From First Page.)

crisis. When the California alien land bill first came up he wrote to Governor Johnson, his personal friend, urging him not to make any hasty move which might complicate matters. When President, almost exactly the same situation faced him that is now facing the present occupant of the White House.

The Colonel regards the situation in the question between California and Japan as serious and one which will call for the utmost diplomacy and tact.

Owing to arrangements for a trip into Michigan, Colonel Roosevelt has declined an invitation to speak at Governor Sulzer's primary campaign meeting in Brooklyn on May 23. He will speak at one meeting, however, the date for which has not yet been selected by the committee in charge of the fight.

## ORGANIZED LABOR FAILS IN ITS DUTY

President of National Manufacturers' Association Discusses Present Tendencies.

## LAW DEFIANTLY VIOLATED

He Condemns Representatives and Senators Who Stoop for Recent Legislation.

Detroit, May 20.—Charging that organized labor has failed to clear itself of "the stains which violence and lawlessness cast upon it," John Kirby, Jr., of Dayton, O., president of the National Association of Manufacturers, in his annual report to-day, dwelt on present industrial legislative tendencies and their effects on manufacturers and employees. He referred in detail to the attitude of manufacturers toward the tariff. He said in part:

"Conspicuous in the momentous events of recent years that have transpired in the field of American industry is the tragedy of Los Angeles and the drama of Indianapolis. As a reward to the principal accomplices in this conspiracy, they have one after another, through the power of the invincible 'inner circle' of the American Federation of Labor, been re-elected to their respective offices. Point to me one single labor leader or delegate who has arisen and indignantly demanded that such type of leadership be forever barred from the administration of union affairs. From the administration of union affairs, from the ruthless competition and dominant methods of the labor trust. If they have violated the law we have no complaint to offer. We are not to pay, but we do protest against the free and unmolested manner in which the labor trust defiantly continues to violate the same law."

Low in Scale of Duty. "We are justified in our condemnation of Representatives and Senators in Congress, who, in the name of political expediency, stoop so low in the scale of public duty as to vote for such legislation as the Clayton anti-injunction and contempt bills passed in the lower House of the Sixty-second Congress, and which only escaped passage in the Senate by a bare majority."

"There are men now acting in the capacity of representatives of the people, who, under the cowardly pretense of political expediency, have been willing to violate the law, to condemn and make the participants in strikes, boycotts and all forms of labor disturbance believe that they are justified in acts of lawlessness when done in furtherance of a trade dispute."

"It implicitly pledges the administration to similar changes in the substantive law which would approve and validate the most vicious forms of the secondary boycott in interstate commerce, including compulsory discharge of nonunion men as a means of compelling the acceptance of the demand by the boycotting combination."

"Making it lawful and right for one class of citizens to do that which would remain criminal and wrong when done by another class, insults the law-abiding members of the excepted class."

Protest Sent to Wilson. Detroit, May 20.—Practically all of to-day's session of the convention of

the World as being supplemental to the American Federation of Labor, Mr. Kirby said:

"Against these forces of evil, domestic and foreign, we must stand firm. Like in our resolve that our government is and must be a government of laws."

"If, as a result of radical and ill-advised tariff legislation, we suffer business depression and the loss of opportunity to labor," he said in conclusion, "the aftermath, like in the recent floods, will plainly be visible, and the remedy sharp and decisive. But this is not the case with respect to the insidious class legislation which is creeping upon us. Experience teaches that once such legislation is incorporated in statute law it is written there to stay."

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## THE WEATHER

Forecast: Virginia—Increasing cloudiness Wednesday; warmer in north portion; showers at night; Thursday: moderate east to south winds.

North Carolina—Showers Wednesday and probably Thursday; light to moderate southeast to south winds.

Special Local Data for Yesterday.

12 noon temperature	74
8 P. M. temperature	77
Maximum temperature up to	8
P. M. temperature	77
Minimum temperature down to	8
P. M. temperature	68
Mean temperature	69
Excess in temperature since March	1
Accumulated excess in temperature since January 1	182
Deficiency in rainfall since March	454
Accumulated deficiency in rainfall since January 1	2,30

Local Observation 8 P. M. Yesterday.

Temperature	67
Humidity	69
Wind—direction	67
Wind—velocity	5
Weather	Clear

## CONDITIONS IN IMPORTANT CITIES.

Place	Time	Weather.
Asheville	72	60
Atlanta	70	64
Boston	62	68
Buffalo	56	62
Calgary	66	32
Charleston	74	68
Chicago	62	64
Denver	54	58
Duluth	50	64
Galveston	78	78
Hatteras	72	72
Havre	58	24
Jacksonville	76	74
Kansas City	66	74
Louisville	60	60
Montgomery	80	80
New Orleans	78	86
New York	62	64
Norfolk	66	64
Oklahoma	76	82
Pittsburgh	68	70
Raleigh	80	84
St. Louis	78	86
St. Paul	48	48
San Francisco	64	64
Savannah	74	82
Spokane	80	62
Tampa	80	74
Washington	64	68
Winnipeg	48	58
Wytheville	62	76

## MINIATURE ALMANAC.

May 21, 1913.  
 Sunrise 4:57  
 Sunset 7:15  
 Morning 10:44  
 Evening 5:22

# The New Hudson

## "Six"

## Is Here

## Gordon Motor Co., Inc.

The National Manufacturers' Association was taken up with discussion of labor organizations and labor situations. The discussion culminated this afternoon in sending to President Wilson resolutions protesting against the sundry civil appropriation bill, and urging the chief executive to veto it, because of the provision against using funds for prosecution of labor organizations under the Sherman act.

The resolutions were in part as follows:

"The moral effect of the proviso preventing the use of public funds to prosecute labor organizations is to place the members of the association in a position of moral compromise. It is a disgraceful and unwarranted interference with the right of labor to organize and to protect its interests by lawful means."

"The Sherman act, as amended, is a violation of the fundamental principles of justice and equity. It is a law which would approve and validate the most vicious forms of the secondary boycott in interstate commerce, including compulsory discharge of nonunion men as a means of compelling the acceptance of the demand by the boycotting combination."

"Making it lawful and right for one class of citizens to do that which would remain criminal and wrong when done by another class, insults the law-abiding members of the excepted class."

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Calgary	66	32
Charleston	74	68
Chicago	62	64
Denver	54	58
Duluth	50	64
Galveston	78	78
Hatteras	72	72
Havre	58	24
Jacksonville	76	74
Kansas City	66	74
Louisville	60	60
Montgomery	80	80
New Orleans	78	86
New York	62	64
Norfolk	66	64
Oklahoma	76	82
Pittsburgh	68	70
Raleigh	80	84
St. Louis	78	86
St. Paul	48	48
San Francisco	64	64
Savannah	74	82
Spokane	80	62
Tampa	80	74
Washington	64	68
Winnipeg	48	58
Wytheville	62	76

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offends the moral sense of our people, and under the decisions of our courts would be likely to invalidate the act and thus further the sinister designs of those who would destroy the statute itself."

A large part of the secretary's report was devoted to the so-called "embargo" placed on free labor by promoters of the Panama-Pacific Exposition at San Francisco.

Delegates did not conceal the fact that they view the policy of the exposition managers to employ none but union labor with disfavor. Several of the members of the association announced they would not exhibit unless the exposition is opened to "free labor."

Henry M. Flagler, capitalist, dies at Florida home.

(Continued From First Page.)

Next he went to Saginaw and tried to manufacture salt. At the end of three years he had lost his small fortune and owed \$50,000 to the men who had been working in his salt factory. The relatives of his first wife, who died about thirty years ago, leaving him a little boy and a half-brother, loaned him enough money at 10 per cent interest to pay his debts, and he removed to Cleveland and engaged in the grain and produce commission business.

John D. and William Rockefeller and Samuel Andrews had started a small oil refinery in Cleveland on the side of a hill. When the second refinery was built, in 1867, Stephen Harkness, who was related to Mr. Flagler by marriage, backed him for \$100,000 in a partnership with Mr. Rockefeller and his associates. Other little refineries had sprung up, and the associates bought them up as fast as their means permitted. Their business developed rapidly, and in 1870 they closed their partnership and organized the Standard Oil Company. At first it was capitalized at \$1,000,000, but after the company had bought out a few large concerns it increased its capital stock to \$3,500,000. Later it was increased to \$70,000,000.

Development of Florida. With his steadily increasing wealth, Mr. Flagler's business activity expanded and reached into other fields. He became interested in railroads, mines and banks, bought large stretches of timber land, and, in 1890, began the development of the resources of that State upon a large scale. He began to build railroads in Florida, and, in 1892, with Eastern systems, erected a number of magnificent hotels, among them the Ponce de Leon at St. Augustine, the Alcazar and the Cordova, and with his third wife spent every winter upon his fine estate near the Florida coast.

His greatest achievement, however, was the extension of his railroad from Miami to Key West. For many years his plan was ridiculed as impracticable and was called "Flagler's folly." The opening of this "over-seas" line is listed as one of the engineering triumphs of the age.

His second wife, who had been a Miss Shroons, daughter of a poor Episcopalian clergyman in Philadelphia, became insane, and after her husband had spent a fortune in an effort to restore her reason, he obtained a divorce, and, in 1901, married Mary Lily Kenan, daughter of Captain W. R. Kenan, of Wilmington, N. C., who survives him.

## MIGHTY TRIANGLE BROKEN.

Flagler One of Three Who Conceived and Developed Standard Oil Company. New York, May 20.—"At last the mighty triangle is broken," said an officer of the Standard Oil Company, tonight in speaking of the death at West Palm Beach, Fla., to-day of Henry M. Flagler, who was eighty-three years of age.

"Mr. Flagler was one of the three men who conceived and developed the organization through which this company has grown to its present proportions. The other two were John D. Rockefeller and his brother William. While Mr. Flagler's official connection with the company was severed five years ago, still his wise counsel was always available and willingly given whenever we needed it. John D. Rockefeller paid Mr. Flagler a very high compliment in his reminiscences that are now published in book form. 'Then the Standard Oil magnate read this from the second chapter of Mr. Rockefeller's autobiography: "The part played by one of my earliest partners, H. M. Flagler, was al-

ways an inspiration to me. He invariably wanted to go ahead and accomplish great projects of all kinds; he was always on the active side of every question, and to his wonderful energy is due much of the rapid progress of the company in the early days. "It was to be expected of such a man that he should fulfill his destiny by working out some great problem at a time when most men want to retire to a comfortable life of ease. This would not appeal to me as old friend. He unflinchingly single-handed, the task of building up the East Coast of Florida. He was not satisfied to build a railroad from St. Augustine to Key West, a distance of more than six hundred miles, but in addition he has built a chain of superb hotels to induce tourists to go to this newly-developed country. Practically all this has been done after what we have carried him through a full business life, and a man of any other nationality situated as he was would have retired to enjoy the fruits of his labor."

Shares of Standard Oil stock, as shown by the report made to the United States Circuit Court when the Supreme Court's decree of dissolution of the great trust was executed. What his holdings were in other great corporations would be known. Nor is the value of his immense properties in Florida approximately known. One of his former Standard Oil associates said he thought the dead magnate's estate would inventory at least a \$100,000,000. The interesting statement was made by a man who had known Mr. Flagler for twenty years. "Mr. Flagler talked about and planned trips to Europe and to the Pacific Coast, and it became a subject of amiable jest among his friends. He declared his intention to retire from active business about 1890, and tried to do it. He went to Florida on a pleasure trip, and there he got hooked into business again, actively and strenuously as in the early days when he and the two Rockefellers were building up the Standard Oil Company. He remained in the business to the last. I believe he had actually not kept himself busy with great enterprises all the time he would have died years ago."

## SPECIAL TRAIN TO CHATTANOOGA.

Tenn., Sunday, May 25, at 4:20 P. M., via Southern Railway, across the U. S. V. Railroad. Secure your reservations at 907 East Main Street. \$11.65 round trip.

## Enter the Baby Contest at Davis Studio

819 East Broad Street.  
 On every Wednesday we will give one 4x6 photograph of all babies up to five years of age; between the hours of 3 to 5 P. M. This is worth trying for.

## Hall Service

is the result of years of careful attention to the optical business, keeping abreast of the times, and taking advantage of every improvement possible. Our service has pleased over